IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7347 of 2006

SITA RAM & ANR.
V/S
GULAB CHAND & ORS.

Mr. RK SONI, for the appellant / petitioner

Date of Order : 11.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

True it is that it has been found that the plaintiff is not in possession. However, from the impugned orders, it is clear that the plaintiff relies on the document dated 13.12.89 partitioning the property giving one share to the plaintiff and the adjoining northern share to the defendant No.1, and giving one share to the defendant No.2, Boduram. Thus, the properties are adjacent, the defendant claims under a Will of the year 1975.

In the totality of circumstances, I am not inclined to interfere in my writ jurisdiction in the injunction granted by the learned Courts below directing the status quo of the property to be maintained. The learned trial Court, however, is directed to expeditiously decide the main suit. The writ petition is, accordingly, dismissed with the aforesaid direction.

(N P GUPTA),J.

/tarun/